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SUBJECT: CANDIDATE VETTING INCHES FORWARD

REF: A. 08 KABUL 3197
[1](#)B. KABUL 1232

Classified By: Political Counselor Alan Yu, Reasons 1.5 b and d

[1](#)1. SUMMARY: Candidate vetting took another small step forward on May 17, as the Afghan government and the international community agreed to send to the Electoral Complaints Commission (ECC) an evidence-based list of 110 provincial council candidates linked to illegal armed groups (IAGs), and as many as four presidential or vice-presidential candidates who failed this criterion of the electoral law. The painstakingly crafted IAG vetting mechanism now is on track to exclude some notorious candidates, sending an important signal to the public about the legitimacy of the electoral process. Moreover, because this vetting process relies on evidence and legal standards, it represents a significant advance toward the rule of law. The choice of voters to vote for or defeat the remaining "bad guy" contenders will be the final "vetting" of the candidate list.
END SUMMARY.

WHO'S A WARLORD CANDIDATE? FOR THE PROVINCIAL COUNCILS

[1](#)2. (C NF) Article 15.3 of the electoral law states "Individuals who practically command or are members of unofficial military forces or armed groups shall not be qualified to candidate themselves for the elections." Under other law, an illegal armed group is any group with at least five weapons which is neither part of the Afghan security forces nor licensed by the Interior Ministry. The Afghan government's Disarmament and Reconciliation Commission (DRC), in cooperation with UNAMA and ISAF, reviews information regularly submitted by the Ministry of Interior (MOI), the Ministry of Defense (MOD), the National Directorate for Security (NDS), and the provincial governors to determine who is a member of an illegal armed group. The DRC, better known as DIAG, worked hard to improve its data in the run-up to elections, and by May had updated its list for all 34 provinces.

[1](#)3. (C NF) Mohammed Stanekzai, Vice Chairman of the DRC, on May 17 briefed Afghan security players and international community representatives that his team had reviewed the Independent Election Commission's preliminary list of 3,324 provincial council candidates and identified 110 members of illegal armed groups. In comparing the preliminary candidate list with the DIAG list, the DIAG team found 120 names of possible warlords. For all 120 names, DIAG once more reviewed the evidence and, for ten names, found the available information inadequate, leaving 110 names on the "warlord candidate" list for provincial councils.

PRESIDENTIAL AND VICE-PRESIDENTIAL DQ'S

[1](#)4. (C NF) On presidential and vice-presidential candidates, Stanekzai reviewed a list of five names with the group,

seeking a solid consensus on DIAG's planned course of action.

Stanekzai put two names solidly on the disqualified list. Presidential contender Alhaj Abdul Ghafor Zori appears on the DIAG list, with clear and recent information detailing his possession of illegal weapons. Badghis-based vice-presidential candidate Zia-u-din (on the ticket of presidential aspirant Sangin Mohammed Rahmani) also appears on the DIAG list, with links to two local illegal armed groups.

15. (C NF) For two other names, Stanekzai sought the advice of the group. Akbar Bai, a rival of former Uzbek warlord Dostum, was dealing arms as recently as 2008, according to DIAG information. After some discussion, Stanekzai resolved that the group was in agreement to place Akbar Bai on the disqualified list. For presidential candidate and Lower House MP Mullah Adbul Salaam Raketi, Stanekzai is looking to the Afghan security forces, including the intelligence service NDS, to add recent information on participation in an illegal armed group to the dossier on Raketi. Raketi passed the badly flawed candidate vetting for the 2005 legislative elections and, according to the information available to DIAG, has not since been actively involved in fighting. He remains, however, known as a commander who fought alongside the Taliban. Stanekzai indicated he expected to be able to put Raketi on the DIAG disqualified list by May 18.

16. (C NF) Regarding President Karzai's running mate for first vice president, Marshall Mohammed Qasim Fahim Khan, Stanekzai noted that DIAG has no information linking Fahim to an illegal armed group and could not send his name forward to

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the ECC as disqualified on these grounds. Fahim, a former mujaheddin commander and leader of the Northern Alliance's military forces after the 2001 assassination of Ahmed Shah Massoud, appears in DIAG records as having completed disarmament, with his lieutenants integrated into the Afghan security forces and his 100-man personal security detail under MOI license.

NEXT MOVE AT THE ECC

17. (C NF) On May 18 DIAG will send this 110-name provincial council list and the shorter presidential list to the Electoral Complaints Commission (ECC), the independent body charged with examining candidate qualifications and violations of the electoral law (ref B.) The ECC published its "Policy on Challenges to Candidates Who Are Members of Unofficial Forces or Armed Groups" on May 15 (forwarded via email to SCA/A.) The ECC will notify these candidates that they do not qualify to run and the basis of the disqualification - for the 110 provincial council names, and the short list of other names, this will be Article 15.3, membership in an illegal armed group. Candidates who wish to disarm and remedy their disqualification must do so through the regular DIAG process, and complete their disarmament before the ECC passes the final list of candidates to the IEC on June 9.

18. (SBU) In addition to the requirement of Article 15.3 (no membership in an illegal armed group), the ECC will also examine other aspects of candidate qualification. Persons convicted of crimes, for example, may be disqualified. The public may also submit challenges to candidates' qualification to the ECC. The ECC will only consider challenges based on law, as ECC Chairman Grant Kippen stressed in a May 12 press conference (ref B.)

BETTER THAN LAST TIME

¶9. (C NF) Rampant politicking marked the 2005 candidate vetting process, and many Afghans express disgust at the "warlord parliament" that resulted. As UN SRSG Kai Eide noted at the May 17 meeting, DIAG must still stand firm on disarmament requirements for those candidates who seek to remedy their disqualification. The UK has unresolved questions about a few names from Helmand, which may or may not have been confirmed as on the DIAG list. The Canadians reportedly have similar concerns for some names in Kandahar. If these Helmand and Kandahar names were removed from the disqualified list after entry to DIAG, we will investigate whether these persons indeed met the standard for disarmament. Separately, Stanekzai reminded the group that this time, legislators are likely to try to exert political pressure on both DIAG and the ECC.

¶10. (C NF) Despite these challenges, DIAG has shown respect for due process as well as considerable political courage in developing its list and passing it forward to the ECC. Among concerns that some "bad guy" candidates who do not meet the IAG criterion will remain on the list, Stanekzai note that disarmament overall means the judicial system now has a better chance of bringing suspected criminals to justice and ensuring their exclusion from politics. As for voters, they too now have a freer choice to vote, if they choose, in favor of change and against the legacy of the violent past.
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